

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RODNEY GREEN, Inmate No. LB3474,
Plaintiff,**

CIVIL ACTION

v.

**WEXFORD HEALTH SOURCES, INC.,
CORRECT CARE SOLUTIONS, LLC,
JOHN C. THOMAS, in his official capacity
as Superintendent of Pennsylvania State
Correctional Institution Chester, and
PENNSYLVANIA DEPARTMENT OF
CORRECTIONS,
Defendants.**

NO. 16-3630

ORDER

AND NOW, this 13th day of December, 2016, upon consideration of defendants Wexford Health Sources, Inc. and Correct Care Solutions, LLC's Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 12, filed September 9, 2016), plaintiff's Response in Opposition to Wexford and Correct Care's Motion to Dismiss (Doc. No. 14, filed September 23, 2016), defendants Pennsylvania Department of Corrections and Marirosa Lamas's Motion to Dismiss Plaintiff's Amended Complaint (Doc. No. 16, filed October 14, 2016), plaintiff's Response in Opposition to the Department of Corrections and Lamas's Motion to Dismiss (Doc. No. 17, filed October 28, 2016), and the Department of Corrections and Lamas's Reply in Support of its Motion (Doc. No. 18, filed November 2, 2016), for the reasons set forth in the accompanying Memorandum dated December 13, 2016, **IT IS ORDERED** as follows:

1. Marirosa Lamas, Superintendent of State Correctional Institution Chester, is **SUBSTITUTED** for John C. Thomas, former Superintendent of State Correctional Institution Chester, as defendant pursuant to Federal Rule of Civil Procedure 25(d). The caption and the

Amended Complaint shall be **AMENDED** so as to substitute Marirosa Lamas for John C. Thomas as a defendant in his official capacity;

2. Wexford Health Sources, Inc. and Correct Care Solutions, LLC's Motion to Dismiss is **DENIED**;

3. The Pennsylvania Department of Corrections and Marirosa Lamas's Motion to Dismiss is **GRANTED IN PART** and **DENIED IN PART**, as follows:

a. That part of the Pennsylvania Department of Corrections and Marirosa Lamas's Motion that seeks dismissal of plaintiff's claim against the Pennsylvania Department of Corrections is **GRANTED**. The caption of the case is **AMENDED** to delete reference to the Pennsylvania Department of Corrections as defendant;

b. That part of the Pennsylvania Department of Corrections and Marirosa Lamas's Motion that seeks dismissal of plaintiff's claim against Marirosa Lamas, in her official capacity as Superintendent of Pennsylvania State Correctional Institution Chester, is **DENIED**.

IT IS FURTHER ORDERED that a Preliminary Pretrial Conference will be scheduled in due course. Discovery may proceed in the interim.

BY THE COURT:

/s/ Hon. Jan E. DuBois

DuBOIS, JAN E., J.